

ESTTA Tracking number: **ESTTA88010**

Filing date: **06/30/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Orange Personal Communications Services, Ltd.
Granted to Date of previous extension	07/02/2006
Address	St. James Park, Great Park Road Almondsbury Park, Bradley Stoke Bristol, BS32 4QJ UNITED KINGDOM
Attorney information	Dickerson M. Downing Morgan & Finnegan 3 World Financial Center New York, NY 10281 UNITED STATES ddowning@morganfinnegan.com,ptotmcommunications@morganfinnegan.com,j smith@morganfinnegan.com Phone:212-415-8700

Applicant Information

Application No	78590345	Publication date	01/03/2006
Opposition Filing Date	06/30/2006	Opposition Period Ends	07/02/2006
Applicant	Sidelnik, Gustavo 163 NE 24th Street Miami, FL 33137 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and sevicees in the class are opposed, namely: Restaurant services, namely providing smoothies and juice drinks

Attachments	Notice of Opposition (4061-4090).pdf (4 pages)(126027 bytes)
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Signature	/dmd/
Name	Dickerson M. Downing
Date	06/30/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition to application
for THE ORANGE STORE (S.N. 78/590,345)
as filed on March 18, 2005 and as published in the *Official Gazette* on January 3, 2006

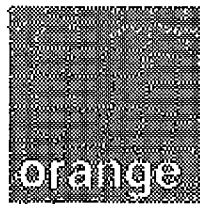
<hr/>		X
ORANGE PERSONAL COMMUNICATIONS		:
SERVICES LTD.		:
		:
	Opposer	:
		:
v.		:
		:
GUSTAVO SIDELNIK		:
		:
	Applicant.	:
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NOTICE OF OPPOSITION

Orange Personal Communications Services Ltd., an English and Welsh company, with offices in Bristol, England ("Opposer") believes it will be damaged by the registration by Applicant Gustavo Sidelnik of the mark THE ORANGE STORE & Design as shown in Serial No. 78/590,345 and, having timely requested extensions of time to oppose until July 2, 2006, hereby opposes the same. As grounds of opposition, it is alleged:

1. Opposer is the owner of valid and protectable rights in and to the name and mark ORANGE and variations thereon ("ORANGE Marks"), in the United States and elsewhere, in connection with mobile phone and telecommunication products and services and a wide variety of other goods and services.

2. Included among the ORANGE Marks is a design mark consisting of the word ORANGE as displayed, as shown below, in white lettering at the bottom of a square box (“ORANGE Design Mark”) of solid orange color or, alternative, of solid black color. The ORANGE Design Mark is used and registered in orange/white and also in black/white.



3. Opposer is the owner of a number of United States Trademark Registrations and Applications for the ORANGE Marks and ORANGE Design Mark.

4. Upon information and belief, the rights of Opposer in and to the ORANGE Marks and ORANGE Design Mark are prior and superior to any date of first use or other priority date claim that Applicant may make in connection with the mark shown in the application being opposed herein.

5. Notwithstanding Opposer's prior rights in the ORANGE Marks and the ORANGE Design Mark in the United States, Applicant filed on or about March 18, 2005 an application to register the mark THE ORANGE STORE and Design for "Restaurant services, namely providing smoothies and juice drinks" in International Class 43 based on a claimed intent to use that mark.

6. As is the case with the ORANGE Design Mark, in THE ORANGE STORE and Design application, as shown below, the word ORANGE is depicted in white

lettering at the bottom of a contrasting dark square box appearing to be black in the representation as filed.



7. Opposer believes it will be damaged by the registration of THE ORANGE STORE and Design, in that said term so resembles Opposer's ORANGE Marks including its ORANGE Design Mark, as to be likely, when applied to the services of Applicant, to cause confusion, mistake and deception, with consequent irreparable damage to Opposer's business and goodwill and such registration otherwise will give the appearance of exclusive statutory ownership rights in THE ORANGE STORE & Design to Applicant in violation and derogation of the prior and superior rights of Opposer in its ORANGE Marks including the ORANGE Design Mark.

8. Registration should be refused pursuant to §2(d) of the Trademark Act of 1946, as amended, (15 U.S.C. §1052(d)) on the ground that THE ORANGE STORE & Design so resembles Opposer's ORANGE Marks including the ORANGE Design Mark as to cause confusion, mistake or deception.

WHEREFORE, Opposer requests that this opposition be sustained and that the application by Gustavo Sidelnik to register THE ORANGE STORE & Design (S.N. 78/590,345) be refused.

TRADEMARK
4061-4090
S.N. 78/590,345

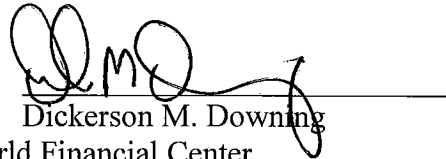
Pursuant to 37 CFR §2.6(a) (7), submitted herewith please charge the amount of three hundred dollars (\$300.00) in payment of the requisite fee for filing this Notice of Opposition against the application and any additional amounts to the undersigned Attorney's Deposit Account No. 13-4500.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: New York, New York
June 30, 2006

By:

A handwritten signature in black ink, appearing to read "DM Downing", is written over a horizontal line.

Dickerson M. Downing
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Attorneys for Opposer